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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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NATH & ASSOCIATES 112 South West Street Alexandria, VA 22314			EXAMINER QIN, YIXING	
			ART UNIT 2625	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/985,682

Applicant(s)

SHIBASAKI, AKIRA

Examiner

Yixing Qin

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-8 and 11-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-8, 11-16 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 17 and 21-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In response to applicant's amendment received 2/20/07, all requested changes have been entered.

Allowable Subject Matter

Claims 17 and 21-24 continue to be allowed. Please see the Office Action dated 6/27/06 for more detail.

Response to Arguments

Applicant's arguments filed 2/20/07 have been fully considered but they are not persuasive. The Examiner has found new art, Cullen et al (U.S. Patent No. 5,732,230) that teaches the displaying of various images prior to merging the images. Please see the rejection below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

I. Claims 1, 4-8, 11-14, 16, and 18-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Masuzaki (U.S. Patent No. 5,150,458) in view of Cullen et al (U.S. Patent No. 5,732,230).

Regarding claim 1, Masuzaki discloses a system for image-formation comprising:
an image input apparatus configured to create original monochromatic images for output, the original monochromatic images formed from characters and images; (column 3, lines 33-42 and Fig. 6A-6F)

an image-storage apparatus configured to store the original monochromatic images created by the image input apparatus; (Fig. 1 - item 13 and column 3, line 67 and column 4, lines 1-4 discloses the use of the image memory 11 and the editing image memory 12 to store monochromatic information.)

an image-formation apparatus configured to form an original multicolor image for output by selecting a plurality of desired original monochromatic images from among the original monochromatic images stored in the image-storage apparatus (Fig. 3 item 14) and combining the plurality of desired original monochromatic images; (column 4, lines 54-67. Note in column 4, lines 29-35 that the original and edit memories hold monochromatic data. Fig. 6A-6F shows that they can be characters and/or images) and

an image output apparatus configured to replace the original multicolor image formed by the image-formation apparatus with predetermined colors, and to output the original multicolor image (in column 4, lines 29-35); wherein

at least one of the image input apparatus, the image output apparatus, and the image-formation apparatus includes a display section displaying collectively a plurality of image information of each of the plurality of desired original monochromatic images selected by the image-formation apparatus as a group, . (Figs. 6A-6F that the display screen displays the original and the edit information together on the CRT. Also note column 6, lines 1-17, where the colors are separated by color.) and

Masuzaki does not explicitly disclose “wherein the display section enables display of a plurality of groups prior to the combining of said plurality of desired original monochromatic images”

However, Cullen discloses in Figs. 5-7 that images can be displayed prior to the combination of the images.

Masuzaki and Cullen are combinable because both are in the art of combining images.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have displayed images prior to the combination.

The motivation would have been to allow users to preview how an image will look when combined.

Therefore, it would have been obvious to combine Masuzaki and Cullen to obtain the invention as specified.

Regarding claims 4, 11 and 16, Masuzaki discloses wherein the image-formation apparatus forms the original multicolor image for output by combining, in page units, the

plurality of image information displayed at the display section. (Fig. 6A-6F. The images are separate units by themselves - i.e. page units.)

Regarding claims 5, 6, 12, 13, 18 and 19, Masuzaki discloses wherein the image-formation apparatus is configured to designate colors at a time of output from the image output apparatus, for the plurality of image information displayed at the display section, (column 5, lines 19-29. Also note Figs. 4 and 5 for selection of color.)and

the image-formation apparatus colors the plurality of image information displayed at the display section with the designated output colors of the image output apparatus, superposes the colored plurality of image information with output layout from the image output apparatus, and displays the colored and superposed plurality of image information at the display section. (column 4, lines 29-35 Column 4, lines 54-67 further describes the combination of various signals for output on the CRT. Also note Figs. 6A-6F - especially 6E and 6F where Masuzaki discloses red character strings and lines - and column 6, lines 1-38.)

Regarding claims 7, 14 and 20, the secondary reference, Cullen discloses "wherein the image information is thumbnail images with lowered resolutions." (Figs. 5-7.)

Regarding claim 8, Masuzaki discloses an apparatus for image-formation comprising: a first data input/output section (column 3, lines 33-42) configured to input original monochromatic images for output from an external image input apparatus, the original monochromatic images formed from characters and images; (Fig. 6A-6F)

an image-storage section (Fig. 1 item 13) configured to store the original monochromatic images created by the external image input apparatus via the first data input/output section; (column 3, line 67 and column 4, lines 1-4 discloses the use of the image memory 11 and the editing image memory 12 to store monochromatic information)

a control section (Fig. 3 a CRT display controller 14)configured to form an original multicolor image for output by selecting a plurality of desired original monochromatic images from among the original monochromatic images stored in the image-storage section and combining the plurality of desired original monochromatic images; (original and edit image data 19 and 20 and combines them with various other signals for output to the CRT display (column 4, lines 54-67). Note in column 4, lines 29-35 that the original and edit memories hold monochromatic data.) and

a second data input/output section (column 4, lines 29-35) configured to output the original multicolor image formed by the control section to an external image output apparatus which replaces the original multicolor image with predetermined colors and outputs, wherein

the control section outputs collectively a plurality of image information of the plurality of desired original monochromatic images selected by the control section as a group to a display section provided at the external image input apparatus itself or via at least one of the first data input/output section and the second data input/output section, wherein the control section allows the display section to display a plurality of groups prior to combining said plurality of desired original monochromatic images. (a display CRT in the output apparatus/section of their invention that displays collectively the original and edit data. One can see in Figs. 6A-6F that the display screen displays the original and the edit information together on the CRT. Please

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also see column 6, lines 1-38 for the displaying of exclusive colors. Again, Cullen discloses in Figs. 5-7 that images can be displayed prior to the combination of the images.)

II. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masuzaki (U.S. Patent No. 5,150,458) in view of Cullen et al (U.S. Patent No. 5,732,230) and in view of Speciner (U.S. Patent No. 5,959,867)

Regarding claim 15, Masuzaki discloses a computer-readable recording medium for recording a program for image-formation, the program comprising:

selecting a plurality of original monochromatic image files for output from a plurality of desired original monochromatic image files for output, (discussed above in the independent claims)

It does not explicitly disclose “the original monochromatic image files formed from characters and images, and spooled in a queue;

rasterizing a plurality of image data from each of the selected original monochromatic image files;”

However, both the spooling and rasterizing of images are conventional in the art (i.e. see Speciner – U.S. Patent No. 5,959,867 – column 1, lines 25-28 and column 6, lines 32-39

Masuzaki, Cullen and Speciner are combinable because both are in the art displaying and printing images.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a spooler and rasterized print data

The motivation would have been that this is a conventional way to process information. Therefore, it would have been obvious to combine Masuzaki and Speciner to obtain the invention as specified.

displaying the plurality of rasterized image data at a display apparatus collectively as a group; (column 4, lines 29-35 and column 6, lines 1-17) and

forming an original multicolor image file for output, outputted from a multicolor image output apparatus by combining a plurality of image groups, which were displayed prior to the combining said plurality of groups at the display apparatus. (Masuzaki does show a display CRT in the output apparatus/section of their invention that displays collectively the original and edit data. One can see in Figs. 6A-6F that the display screen displays the original and the edit information together on the CRT. Please also see column 6, lines 1-38. Again, Cullen discloses in Figs. 5-7 that images can be displayed prior to the combination of the images.)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YQ


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SUPERVISORY PATENT EXAMINER